

### **REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed November 2, 2006. Through this response, claims 1, 19, 21, 22, and 24 have been amended, and claim 27 has been canceled without prejudice, waiver, or disclaimer. Reconsideration and allowance of pending claims 1-26 is respectfully requested.

#### **I. Specification Objection**

The specification has been objected to for containing various informalities pertaining to paragraph [25]. In response to the objection, Applicants have amended the specification to correct the specification in the manner suggested by the Office Action. Although these amendments effect various changes to the specification, it is respectfully asserted that no new matter has been added. In view of these amendments, Applicants respectfully submit that the specification is not objectionable, and therefore respectfully request that the objection be withdrawn.

#### **II. Specification Amendments**

Various amendments have been made to the specification through this Response to correct typographical and grammatical errors. Although these amendments effect several changes to the specification, no new matter has been added.

#### **III. Claim Objections**

Claim 24 has been objected to for an informality pertaining to antecedent basis. In response to the objection, Applicants have amended claim 24 to depend from 23, hence providing a proper antecedent basis.

In view of the above-noted claim amendments, Applicants respectfully submit that the claims are not objectionable and respectfully request that the objection be withdrawn.

**IV. Claim Rejections - 35 U.S.C. § 101**

Claim 27 has been rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Although Applicants respectfully disagree, in the interest of advancing prosecution on the merits, Applicants have canceled claim 27, thus rendering the rejection moot.

**V. Claim Rejections - 35 U.S.C. § 102(b)**

**A. Statement of the Rejection**

Claims 1-7, 11-15, and 19-26 have been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by *Kanamori et al.* ("*Kanamori*," U.S. Pat. No. 6,138,826). Applicants have amended independent claims 1, 19, 21, and 22, hence rendering the rejection to claims 1-7, 11-15, and 19-26 moot. Further, Applicants respectfully submit that claims 1-7, 11-15 and 19-26 are patentable over *Kanamori*, as explained further below.

**B. Discussion of the Rejection**

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b).

In the present case, not every feature of the claimed invention is represented in the *Kanamori* reference. Applicants discuss the *Kanamori* reference and Applicants' claims in the following.

### Independent Claim 1

Claim 1 recites (with emphasis added):

1. An image capture system comprising:  
a digital camera, the digital camera comprising at least a  
photosensor; and  
***an enclosure configured to receive the digital camera, configured to have a plurality of features controlling operation of the digital camera, and configured to capture an image using the photosensor of the digital camera, the plurality of features each increasing operational sophistication of the digital camera.***

As explained above, the above-described amendments to independent claim 1 have rendered the rejection to claim 1 moot. Additionally, Applicants respectfully submit that *Kanamori* does not disclose, teach, or suggest at least the above-emphasized claim features, and hence, claim 1 is allowable over *Kanamori*.

Because independent claim 1 is allowable over *Kanamori*, dependent claims 2-7 and 11-15 are allowable as a matter of law for at least the reason that the dependent claims 2-7 and 11-15 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

### Independent Claim 19

Claim 19 recites (with emphasis added):

19. A method for capturing images, the method comprising the steps of:  
coupling a digital camera and an enclosure, the digital camera residing within a recess of the enclosure;  
***providing a plurality of image capture features on the enclosure, the plurality of image capture features controlling operation of the digital camera, the plurality of image capture features each increasing operational sophistication of the digital camera;***  
selecting at least one image capture feature among the plurality of image capture features using a device residing on the enclosure; and  
capturing an image on a photosensor residing in the digital camera, the image captured through a lens residing on the camera enclosure.

As explained above, the above-described amendments to independent claim 19 have rendered the rejection to claim 19 moot. Additionally, Applicants respectfully submit that *Kanamori* does not disclose, teach, or suggest at least the above-emphasized claim features, and hence, claim 19 is allowable over *Kanamori*.

Because independent claim 19 is allowable over *Kanamori*, dependent claim 20 is allowable as a matter of law.

### Independent Claim 21

Claim 21 recites (with emphasis added):

21. A method for capturing images, the method comprising the steps of:

***generating an image capture instruction using a remote device communicatively coupled to an enclosure;***

communicating the image capture instruction to a digital camera coupled to the enclosure and residing within a recess of the enclosure;  
and

capturing an image with a photosensor residing in the digital camera, the step of capturing performed in accordance with the received image capture instruction.

As explained above, the above-described amendments to independent claim 21 have rendered the rejection to claim 21 moot. Additionally, Applicants respectfully submit that *Kanamori* does not disclose, teach, or suggest at least the above-emphasized claim features, and hence, claim 21 is allowable over *Kanamori*.

### Independent Claim 22

Claim 22 recites (with emphasis added):

22. An image capture system, comprising:

means for capturing an image with a photosensor residing in a digital camera;

means for coupling the digital camera to an enclosure, the ***enclosure further comprising a plurality of means for increasing operational sophistication of the digital camera;*** and

means for controlling a process of image capture with at least one device residing on the enclosure.

As explained above, the above-described amendments to independent claim 22 have rendered the rejection to claim 22 moot. Additionally, Applicants respectfully submit that *Kanamori* does not disclose, teach, or suggest at least the above-emphasized claim features, and hence, claim 22 is allowable over *Kanamori*.

Because independent claim 22 is allowable over *Kanamori*, dependent claims 23-26 are allowable as a matter of law.

Due to the shortcomings of the *Kanamori* reference described in the foregoing, Applicants respectfully assert that *Kanamori* does not anticipate Applicants' claims. Therefore, Applicants respectfully request that the rejection of these claims be withdrawn.

#### **VI. Claim Rejections - 35 U.S.C. § 103(a)**

Claims 8 and 9 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Kanamori* in view of *Takematsu et al.* ("*Takematsu*," U.S. Pat. Pub. No. 2003/0214593 A1). Claim 10 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Kanamori* in view of *Da Silva* ("*Da Silva*," U.S. Pat. No. 6,819,866 B2). Claims 16 and 18 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Kanamori* in view of *Inoue et al.* ("*Inoue*," U.S. Pat. No. 5,822,622). Claim 17 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Kanamori* in view of *Inoue* and in further view of *Niikawa et al.* ("*Niikawa*," U.S. Pat. Pub. No. 2001/0043279 A1). Claim 27 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Kanamori* in view of *Niikawa, et al.* Applicants submit that these rejections have been rendered moot in view of the amendments to the claims. Further, Applicants respectfully submit that the dependent claims are allowable over the art of record, as explained below.

#### **Dependent Claims 8 and 9**

As explained above, Applicants respectfully submit that *Kanamori* does not disclose, teach, or suggest at least the above-emphasized features of independent claim 1.

Additionally, Applicants respectfully submit that *Takematsu* fails to remedy these deficiencies. Since claims 8 and 9 incorporate at least the allowable claim features of claim 1, dependent claims 8 and 9 are allowable as a matter of law. Hence, Applicants respectfully request that the rejection to claims 8 and 9 be withdrawn.

#### **Dependent Claim 10**

As explained above, Applicants respectfully submit that *Kanamori* does not disclose, teach, or suggest at least the above-emphasized features of independent claim 1. Additionally, Applicants respectfully submit that *Da Silva* fails to remedy these deficiencies. Since claim 10 incorporates at least the allowable claim features of claim 1, dependent claim 10 is allowable as a matter of law. Hence, Applicants respectfully request that the rejection to claim 10 be withdrawn.

#### **Dependent Claims 16 and 18**

As explained above, Applicants respectfully submit that *Kanamori* does not disclose, teach, or suggest at least the above-emphasized features of independent claim 1. Additionally, Applicants respectfully submit that *Inoue* fails to remedy these deficiencies. Since claims 16 and 18 incorporate at least the allowable claim features of claim 1, dependent claims 16 and 18 are allowable as a matter of law. Hence, Applicants respectfully request that the rejection to claims 16 and 18 be withdrawn.

#### **Dependent Claim 17**

As explained above, Applicants respectfully submit that *Kanamori* does not disclose, teach, or suggest at least the above-emphasized features of independent claim 1. Additionally, Applicants respectfully submit that *Inoue* and *Niikawa* fail to remedy these deficiencies. Since claim 17 incorporates at least the allowable claim features of claim 1, dependent claim 17 is allowable as a matter of law. Hence, Applicants respectfully request that the rejection to claim 17 be withdrawn.

**Dependent Claim 27**

Applicants respectfully submit that the cancellation of claim 27 has rendered the rejection moot.

In summary, it is Applicants' position that a *prima facie* for obviousness is not made against Applicants' claims. Therefore, it is respectfully submitted that each of these claims are patentable over the art of record and that the rejection of these claims should be withdrawn.

**VII. Canceled Claims**

As identified above, claim 27 has been canceled from the application through this Response without prejudice, waiver, or disclaimer. Applicants reserve the right to present this canceled claim, or variants thereof, in continuing applications to be filed subsequently.

**CONCLUSION**

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

\_\_\_\_\_  
/dr/

David Rodack  
Registration No. 47,034

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**  
Suite 1750  
100 Galleria Parkway N.W.  
Atlanta, Georgia 30339  
(770) 933-9500